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September 2, 2016

VIA ECF

The Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2201
New York, NY 10007

Re: **Request to File Sealed Documents**

Tatyana Ruzhinskaya, et al. v. HealthPort Technologies, LLC
Civil Action File No. 1:14-cv-02921-PAE

Dear Judge Engelmayer:

Pursuant to section 4(B) of Your Honor's Individual Rules and Practices in Civil Cases, We represent HealthPort Technologies, LLC ("HealthPort") in the above matter and write to request permission to file portions of Defendant's Pre-Trial Memorandum of Law and Memorandum of Law in Support of Motion to Exclude the Testimony of Richard Royston and certain supporting documents, under seal. By hand delivery, I am enclosing the memoranda of law and all supporting documents, having highlighted the proposed redactions in yellow. Class Counsel for Plaintiff consents to these requests.

Defendant makes this request pursuant to the Protective Order in this case (Dkt. No. 54). Specifically, the memorandum of law and certain exhibits contain material designated as "Confidential." Paragraph 8 of the Protective Order provides in relevant part that "[a]ll Confidential material or testimony filed with the Court, and all portions of pleadings, motions, or other papers filed with the Court that disclosed Confidential material or testimony, shall be filed under seal with the Clerk of the Court and kept under seal until further order of the Court."

In this regard, HealthPort seeks permission to seal the following documents and to redact references to their contents in the publicly filed version of HealthPort's Memoranda of Law:



Hon. Paul A. Engelmayer

September 2, 2016

Page 2

- Tab 1 - HealthPort Technologies, LLC's Defendant's Pre-Trial Memorandum of Law (proposed redactions highlighted).
- Tab 2 - HealthPort Technologies, LLC's Memorandum of Law in Support of Motion to Exclude the Testimony of Richard Royston (proposed redactions highlighted).
- Tab 3 - Exhibit A to the Declaration of Seth Litman in Support of Motion to Exclude the Testimony of Richard Royston, is a true and correct copy of the April 15, 2016 Expert Report of Richard A. Royston with Schedules 1-8 and Exhibits A-S annexed thereto (proposed to be filed under seal in its entirety).
- Tab 4 - Exhibit B to the Declaration of Seth Litman in Support of Motion to Exclude the Testimony of Richard Royston, is a true and correct copy of the May 2, 2016 Corrected Expert Report of Richard A. Royston with Schedules 1-8 and Exhibits A-S annexed thereto (proposed to be filed under seal in its entirety).
- Tab 5 - Exhibit C to the Declaration of Seth Litman in Support of Motion to Exclude the Testimony of Richard Royston, is a true and correct copy of the June 10, 2016 Supplemental and Rebuttal Report of Richard A. Royston with Schedules 1-6 and Exhibits A-F annexed thereto (proposed to be filed under seal in its entirety).
- Tab 6 - Exhibit D to the Declaration of Seth Litman in Support of Motion to Exclude the Testimony of Richard Royston, is a true and correct copy of the May 13, 2016 Expert Report of Bryan I. Hirsch with Exhibits A-I annexed thereto (proposed to be filed under seal in its entirety).
- Tab 7 - Exhibit E to the Declaration of Seth Litman in Support of Motion to Exclude the Testimony of Richard Royston, is a true and correct copy of the May 13, 2016 Expert Report of Gregory Treotola with Exhibits A-P annexed thereto (proposed to be filed under seal in its entirety).
- Tab 8 - Exhibit F to the Declaration of Seth Litman in Support of Motion to Exclude the Testimony of Richard Royston, are true and correct copies of the relevant portions of the transcript from the April 27, 2016 deposition of Richard Royston (proposed redactions highlighted).
- Tab 9 - Exhibit K to the Declaration of Seth Litman in Support of Motion to Exclude the Testimony of Richard Royston, are true and correct copies of the relevant portions of the transcript from the May 25, 2016 deposition of Gregory Trerotola (proposed redactions highlighted).



Hon. Paul A. Engelmayer

September 2, 2016

Page 3

- Tab 10 - Exhibit A to the Declaration of Seth Litman in Support of Motion *In Limine* No. 2, is a true and correct copy of Deposition Exhibit 10, Gregory Trerotola's Release of Information Cost Study New York State prepared for HealthPort, amended March 11, 2015 (proposed to be filed under seal in its entirety).
- Tab 11 - Exhibit B to the Declaration of Seth Litman in Support of Motion *In Limine* No. 2, is a true and correct copy of Deposition Exhibit 57, Spreadsheet re New York Sites and Service Types (proposed to be filed under seal in its entirety).
- Tab 12 - Exhibit D to the Declaration of Seth Litman in Support of Motion *In Limine* No. 3, is a true and correct copy of Deposition Exhibit 60, HealthPort Standard Hourly Rate Range for Non-Management RIO Role, bates stamped HEALTHPORT024537 (proposed to be filed under seal in its entirety).

Unredacted copies of the entirety of HealthPort's filing have been served on Class Counsel. Accordingly, HealthPort asks that the Court deem these papers timely filed.

Respectfully submitted,

THOMPSON HINE LLP

/s/ Seth A. Litman

Seth A. Litman

SAL/tlg

cc: Class Counsel